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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/778,221	02/06/2001	Doron Burshtein	TI-29681A	5734

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EXAMINER

ODOM, CURTIS B

ART UNIT PAPER NUMBER

2634

DATE MAILED: 10/17/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/778,221

Applicant(s)

BURSHTEIN ET AL.

Examiner

Curtis B. Odom

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 18 July 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-3 and 13-22 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-3 and 13-22 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 06 February 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Objections

1. Claims 16-18 are objected to because of the following informalities: “claim 13” is suggested to be changed to “claim 3”. Appropriate correction is required.

Claim Rejections - 35 USC § 112

2. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

3. Claims 1-3 and 13-22 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the enablement requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention. Claims 1-3 and 13-22 recite the claim limitation “13QAM”. However, the generation of a “13QAM” constellation was not described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention. The examiner has not found a prior art reference (or any reference for that fact) which discloses the generation (arrangement) of a “13QAM” constellation.

Claim Rejections - 35 USC § 102

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

5. Claim 3 is rejected under 35 U.S.C. 102(e) as being anticipated by Ramaswamy et al. (previously cited in Office Action 5/5/2005).

Regarding claim 3, Ramaswamy et al. discloses a method for improved shell mapping comprising:

providing (column 10, line 10-column 11, line 48) a non-square grid QAM constellation and employing points of the constellation in the mapping, wherein the constellation is at least one of 8QAM constellation and 13QAM constellation (column 2, lines 46-56), wherein 2^3 (odd power of 2) is 8QAM.

Claim Rejections - 35 USC § 103

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. Claims 1 and 2 are rejected under 35 U.S.C. 103(a) (with regards to the above 101 rejection) as being unpatentable over Ramaswamy et al. (previously cited in Office Action 5/5/2005) in view of Kennard et al. (previously cited in Office Action 5/5/2005) and in further view of Paik et al. (previously cited in Office Action 5/5/2005).

Regarding claims 1 and 2, Ramaswamy et al. discloses generating a QAM constellation, comprising:

arranging (column 10, line 10-column 11, line 48) constellation points in a non-square grid, wherein the constellation is at least one of 8QAM constellation and 13QAM constellation (column 2, lines 46-56). Ramaswamy et al. does not disclose the constellation is arranged to achieve a large noise margin and to allow for fast convergence of blind equalization algorithms.

However, Kennard discloses arranging a constellation wherein points are spaced in the phase plane as far apart as possible to provide the greatest SNR ratio, hence an improved noise margin (column 1, lines 34-39). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the method of Ramaswamy et al. with the

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teachings of Kennard et al. and to space points in the phase plane as far apart as possible to improve noise margin, thus improving SNR.

Paik et al. also discloses that the speed of the convergence is based on the errors in a received constellation (column 8, line 42-column 9, line 12). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made that by spacing points in the phase plane as far apart as possible to provide the greatest SNR ratio, hence improving the noise margin for the constellation, that a received constellation would contain reduced errors, leading to a faster convergence. Thus, claims 1 and 2 do not constitute patentability.

Regarding claim 2, which inherits the limitations of claim 1, Kennard et al. discloses selecting constellation points with low word widths (column 4, line 63-column 5, line 64). It would have been obvious to one skilled in the art at the time the invention was made that using constellation points with low word widths would allow the points in the phase plane to be spread apart as far apart as possible, thus optimizing SNR.

Regarding claims 13, 14, 16, and 17, Ramaswamy et al., Kennard et al., and Paik et al. do not disclose selecting 8QAM constellation points from the listed points. However, it would have been obvious to one skilled in the art at the time the invention was made to select points in the phase plane as far apart as possible to provide the greatest SNR ratio. Thus, the selection of constellation points does not constitute patentability.

Conclusion

8 Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Curtis B. Odom whose telephone number is 571-272-3046. The examiner can normally be reached on Monday- Friday, 8-5.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Stephen Chin can be reached on 571-272-3056. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Curtis Odom
October 14, 2005



STEPHEN CHIN
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